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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,615

07/25/2003

Jack Peng

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9389

7590

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EXAMINER

PHAN, HANH

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/626,615

Applicant(s)

PENG, JACK

Examiner

Hanh Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 7 and 9 are objected to because of the following informalities:
  - In claim 7, line 3, the phrase "which is a is a bi-directional transceiver" should be changed to -- which is a bi-directional transceiver --. Appropriate correction is required.
  - In claim 9, line 3, the phrase "which is a is a bi-directional transceiver" should be changed to -- which is a bi-directional transceiver --. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 8-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

-Claim 8 recites the limitation "**the optical signal**" in line 6. There is insufficient antecedent basis for this limitation in the claim.

-Claim 8 recites the limitation "**the digital signal**" in line 7. There is insufficient antecedent basis for this limitation in the claim.

-Claim 14 recites the limitation "**the optical signals**" in line 3. There is insufficient antecedent basis for this limitation in the claim.

-Claim 14 recites the limitation "**the receivers**" in line 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aulet et al (US Patent No. 5,644,417) in view of Coin et al (US Patent No. 6,590,644) and further in view of Chujo et al (Pub. No.: US 2003/0081278) .

Regarding claim 14, referring to Figure 3, Aulet teaches a method for testing an optical transceiver (20, Fig. 3) to be tested comprises the following steps:

using an oscilloscope (250, Fig. 3) for the optical signal converted by the optical transceiver (20, Fig. 3) to measure the power and waveform of the optical signal; and

using a LED/LASER (160, Fig. 3) to send a standard optical signal to the receiver (40, Fig. 3) of optical transceiver (20, Fig. 3), and using an error detector to measure the bit error ratio for the receiving signal of the optical transceiver with (i.e., from col. 5, line 30 to col. 9, line 67).

Aulet differs from claim 14 in that he fails to teach testing a plurality of optical transceivers, using an optical channel selector for switching the optical signals converted by the plurality of optical transceivers one by one to measure the power and waveform of the optical signal, and using a tree coupler to send a standard optical signal to the receivers of the plurality of optical transceivers, and using an error detector to measure the bit error ratio for the receiving signals of the plurality of optical transceivers with multiple ports. Coin, from the same field of endeavor, likewise teaches a system for testing a plurality of modules (Fig. 4). Coin further teaches using an optical channel selector (i.e., switches 120, 125)(Fig. 4) for switching the optical signals converted by the plurality of optical modules (UUT1-UUT4, Fig. 4) one by one to measure the power and waveform of the optical signal (i.e., col. 9, lines 3-30). Chujo,

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from the same field of endeavor, likewise teaches a system for testing a plurality of modules (Fig. 7). Chujo further teaches using a tree coupler (i.e., couplers 22a, 22b, 22c, Fig. 7) to send a standard optical signal to the receivers of the plurality of optical modules (i.e., receivers 7a-7h, Fig. 7), and using an error detector (i.e., error detectors 9a-9d, Fig. 7) to measure the bit error ratio for the receiving signals of the plurality of optical modules with multiple ports (i.e., page 4, paragraph [0044]). Based on this teaching, it would have been obvious to one having skill in the art at the time the invention was made to incorporate the using an optical channel selector for switching the optical signals converted by the plurality of optical transceivers one by one to measure the power and waveform of the optical signal, and using a tree coupler to send a standard optical signal to the receivers of the plurality of optical transceivers, and using an error detector to measure the bit error ratio for the receiving signals of the plurality of optical transceivers with multiple ports as taught by Coin and Chujo in the system of Aulet. One of ordinary skill in the art would have been motivated to do this since allowing performing the parallel testing of the plurality of optical modules, saving time and cost.

***Allowable Subject Matter***

8. Claims 1-13, 15 and 16 are allowed (if overcome the objection , 112 rejection above).

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***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (571)272-3035.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (571)272-3022. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

  
**HANH PHAN**  
**PRIMARY EXAMINER**